

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Parker, et al.
Serial No.: 09/762,562
Int. Filing Date: 10 August 1998
Title: ELECTRIC ARC MONITORING SYSTEM

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Attention: PCT Legal Office

RECEIVED

13 FEB 2002

Legal staff
International Division

WITHDRAWAL OF PETITION UNDER 37 CFR 1.47(a) AND SUBMISSION OF
DECLARATION UNDER 37 CFR 1.42

Howard M. Ham is a named inventor in the above referenced patent application and he is deceased. Attempts were previously made to obtain the signature of Howard M. Ham's legal representative, his wife Lillian Margaret Ham. On July 13, 2001, Formal papers were sent to Mrs. Ham at her last known address, but were returned by the U.S. Postal Service as undeliverable with no forwarding address.

On 29 August 2001, applicants filed a Petition Under 37 CFR 1.47(a) alleging that the signature of Howard M. Ham's legal representative could not be obtained because the representative could not be located. On December 11, 2001, applicants' petition was denied by the PCT Legal Office because it did not indicate that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the legal representative Margaret Ham for signature as required.

Following receipt of this decision applicants again attempted to locate Margaret Ham, and she was found. A copy of the application papers were sent to her and she signed the


appropriate declaration and added page (see attached) as the legal representative of Howard M. Ham.

Accordingly, applicants no longer need to file the declaration under 37 CFR 1.47 and the 29 August 2001 petition under this section is hereby respectfully withdrawn. Alternatively, applicants hereby submit the attached declaration and added page under 37 CFR 1.42. Margaret Ham is the legal representative Howard M. Ham (deceased) and hereby submits the attached declaration and added page in his name and on his behalf.

Applicants believe that no fee is due with this action. If an additional fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 11-1580.

Respectfully submitted,

February 11, 2002



Jaye G. Heybl
Attorney for Applicants
Registration No. 42,661

KOPPEL JACOBS PATRICK & HEYBL
555 St. Charles Drive, Suite #107
Thousand Oaks, CA 91360
(805) 373-0060

**ADDED PAGE TO COMBINED DECLARATION AND PETITION FOR
SIGNING BY LEGAL REPRESENTATIVE ON BEHALF OF DECEASED
INVENTOR**

I, Margaret F. Ham
hereby declare that I am a citizen of the United States of America residing at

2480 E. Soquel Circle
Fresno, California 93720
United States of America

and that I am executing and signing the declaration to which this is attached as legal representative of the deceased inventor

Howard M. Ham, Jr.
late citizen of the United States of America
whose last residence address and post office address
was 1445 Meadowvale, Santa Inez, California 93460
United States of America

That, upon information and belief, I aver

And I further declare that I and said Howard M. Ham, Jr. were husband and wife at the time of his invention mentioned in the accompanying Declaration and at the time of his death and that we had our possessions in joint tenancy with right of survivorship, with me being the surviving tenant.

And I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief, including those facts which the inventor is required to state, are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 7th day of January, 2002.

Margaret F. Ham L.S.
Margaret F. Ham
Legal Representative of the late Howard M. Ham, Jr.

10/762562

DECLARATION AND PETITION

13 FEB 2002

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ELECTRIC ARC MONITORING SYSTEMS

the specification of which was filed on August 10, 1998 as international application PCT/US98/16521, U.S. application Serial No. 09/762,562.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Number	Country	Day/Month/Year	Filed	Priority
Claimed				

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365 (c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

100 Full Name of sole
or first inventor: Michael T. Parker

Citizenship: USA

Inventor's signature Michael T. Parker Date: 7/27/01
Michael T. Parker
Residence Address: Camarillo, California CA

Post Office address: 2217 Westwood Drive
Camarillo, California 93010

Full Name of
second inventor: Howard M. Ham, Jr.

Citizenship: USA

Inventor's signature _____
Howard M. Ham, Jr.

by Lillian Margaret Ham,
his Legal Representative: _____ Date: _____
Lillian Margaret Ham

Residence Address: 1311 East Decatur
Fresno, California 93720
United States of America

Post Office Address: same as residence address

400 Full Name of
third inventor: James J. Keenan

Citizenship: USA

Inventor's signature James J. Keenan Date: 17 JULY 2001
James J. Keenan

Residence Address: 4454 Via Esperanza
Santa Barbara, California 93110 CA

Post Office Address: same as residence address

Full Name of
fourth inventor: Luc P. Benoit

Citizenship: USA

Inventor's signature _____
Luc P. Benoit

Date: _____

by Lislotte Benoit,
his Legal Representative: _____
Lislotte Benoit

Date: _____

Residence address:

Post Office Address:

ADDED PAGE TO COMBINED DECLARATION AND PETITION FOR
SIGNING BY LEGAL REPRESENTATIVE ON BEHALF OF DECEASED
INVENTOR

I, Margaret F. Ham

hereby declare that I am a citizen of the United States of America residing at

2480 E. Soquel Circle
Fresno, California 93720
United States of America

and that I am executing and signing the declaration to which this is attached as legal representative of the deceased inventor

Howard M. Ham, Jr.
late citizen of the United States of America
whose last residence address and post office address
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United States of America

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Dated this 7th day of January, 2002.

Margaret F. Ham L.S.
Margaret F. Ham
Legal Representative of the late Howard M. Ham, Jr.

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Full Name of sole
or first inventor: Michael T. Parker

Citizenship: USA

Inventor's signature _____ Date: _____

Michael T. Parker

Residence Address: Camarillo, California

Post Office address: 2217 Westwood Drive
Camarillo, California 93010

Full Name of
second inventor: Howard M. Ham, Jr.

Citizenship: USA

2w
Inventor's signature Howard M. Ham, Jr.
Howard M. Ham, Jr.

3w
by Lillian Margaret Ham,

his Legal Representative: Lillian Margaret Ham Date: 1-7-02
Lillian Margaret Ham

Residence Address: 2480 E. Soquel Circle
Fresno, California 93720
United States of America

CA

Post Office Address: same as residence address

Full Name of
third inventor: James J. Keenan

Citizenship: USA

Inventor's signature _____ Date: _____
James J. Keenan

Residence Address: 4454 Via Esperanza
Santa Barbara, California 93110

Post Office Address: same as residence address

Full Name of
fourth inventor: Luc P. Benoit

Citizenship: USA

Inventor's signature _____

Date: _____

Luc P. Benoit

by Lislotte Benoit,

his Legal Representative: Lislotte Benoit

Date: July 23, 2001 CA

Lislotte Benoit

Residence address:

5322 Starburst Rd., La Canada, CA 91011

Post Office Address:

same as above